

AWARD

By order No. J.D./R.T.K./560/77/16856, dated the 3rd May, 1978, the Governor of Haryana referred the following dispute between the management of M/s Bonny Products, Industrial Area, Bahadurgarh and its workmen to this Tribunal, for adjudication in exercise of the powers conferred by clause (d) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947;

Whether the closure of the factory is justified and in order ? If not, to what relief the workers are entitled to ?

On receipt of order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issues are framed on 5th December, 1978 :—

1. Whether the reference is bad regarding justifiability or otherwise of the closure of the factory ?
2. Whether the dispute constitutes an Industrial Dispute as per I.D. Act on the ground that the factory has been closed?
3. Whether this Tribunal has no jurisdiction to proceed in the matter on the closure of the factory ?
4. Whether the person of the employer has ceased to exist ? If so, to what effect ?
5. Whether the reference has not been made by an appropriate Government ?
6. Whether the demand has been espoused by substantial number of workmen ?
7. Whether the claim statement is not proper and valid ?

And the case was fixed for the evidence of the parties. On 2nd April, 1979 the representative for the workmen appeared but none appeared for the management when the case was called. But afterwards the representative for the management appeared and noted the next date of hearing but the management did not appear on the last date of hearing. On the last date of hearing, none was present for the workman, although the representative for the management Shri Rajinder Dhawan was present. It seems that the workmen were taking any interest in pursuing their dispute. The case was dismissed in default. In these circumstances, I give my award that at present there is no dispute between the parties.

NATHU RAM SHARMA,

The 28th July, 1979.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 731, dated the 3rd August, 1979

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-79/8648.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Deepak Tools (P) Ltd., Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 199 of 1976

Between

Present:

SHRI RAJA RAM WORKMAN AND THE MANAGEMENT OF M/S DEEPAK TOOLS
(P) LTD., MATHURA ROAD FARIDABAD.

Shri R. L. Sharma, for the workman.

None, for the management.

AWARD

By order No. ID/FD/1073-B-76/34600, dated 21st September, 1976, the Governor of Haryana referred the following dispute between the management of M/s. Deepak Tools (P) Ltd. Mathura Road, Faridabad and its workman Shri Raja Ram, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Raja Ram was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issues were framed on 4th May, 1977:—

1. Whether the workman served the management with a demand notice properly ? If not, to what effect?
2. Whether the workman lost his lien by absenting himself for 10 consecutive days as per Model Standing Order?
3. Whether the termination of services of the workman concerned was justified and in order ? If not, to what relief is he entitled?

And the case was fixed for the evidence of the workman. The workman obtained seven adjournments and on 27th March, 1978 the representative for the workman examined himself and produced Ex.W-1 the demand notice and closed his case on issue No.1. Then the case was fixed for the evidence of the management. The management was not served for five times. Lastly the management was served hence *ex parte* proceedings were ordered against the management at 2.15 p.m. after calling the case thrice when the management had not appeared. The case was fixed for *ex parte* evidence of the workman. The management thereafter made an application to set aside *ex parte* proceedings against them which were set aside subject to payment of costs Rs. 40 only which has been paid. The management then obtained an adjournment which was granted to them subject to payment of costs Rs. 50 only and the case was fixed for 3rd July, 1979 for the evidence of the management, on which the management again defaulted in appearance and did not appear. Again the management was proceeded *exp arte* and the case was fixed for *ex parte* evidence of the workman. The workman examined himself as his own witness and stated that his services were terminated without any cause or justification and was unemployed since the termination of his services. I, believe in the *ex parte* statement of the workman and give my award that the termination of services of the workman was neither justified nor in order. He is entitled to reinstatement with continuity of service and full back wages.

NATHU RAM SHARMA,

Dated the 28th July, 1979.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 730, dated 3rd August, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

H. L. GUGNANI, Secy.

PUBLIC WORKS DEPARTMENT
BUILDINGS AND ROADS BRANCH

Bhiwani Circle

The 25th July, 1979

No. Z-42A/IV/215-B—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by the Government, at the public expense, for a public purpose,

namely, for constructing Kamania to Chhapra Bibipur in Mohindergarh District, it is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section the Governor of Haryana is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within thirty days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, Haryana Public Works Department, Buildings and Roads Branch, Ambala Cantt.

SPECIFICATION

| Serial No. | District | Tehsil | Village | Area in Acres | Remarks |
|------------|--------------|---------|---------|---------------------|---|
| 1 | Mohindergarh | Narnaul | Kamania | CP 4.47 Net 1.59 | M. No. 22 Km. No. 15/2, 15/3, 16 |
| | | | | | M. No. 23 Km. No. 2, 3/1, 8/2, 18, 26, 29 |
| | | | | | M. No. 43 Km. No. 26 |
| | | | | | M. No. 44 Km. No. 2, 9, 10, 11, 16/1, 20, 21, 25/2 |
| | | | | | M. No. 53 Km. No. 5/1, 5/2, 6/2, 7, 14, 15, 17/1, 17/2, 24/1, 24/2 |
| | | | | | M. No. 61 Km. No. 4/1, 4/2, 7/2, 8, 13, 14/1 |
| | | | | | No. of Khasra :— 75, 76, 77, 78, 79, 83, 84, 88, 92, 95, 125, 161, 174, 190, 215, 219, 220, 221, 223, 224, 232, 233, 240, 241, 242, 243, 244, 245, 246, 251, 258, 281, 282, 283, 296, 341, 492, 493, 364, 364/1, 353, 354, 345, 329, 382, 387, 395, 396, 404, 412, 413, 421, 422 |

| Serial No. | District | Tehsil | Village | Area in Acres | Remarks |
|---------------|--------------|---------|---------------------|---------------------|--|
| 2 | Mohindergarh | Narnaul | Chhapara Bibipur | 2.02 | M. No. 5 |
| | | | | CP Net | K.M. No. 13, 18/1, 18/2, 18/3, 17/2, 26, 23/1, 23/2, 22/2 |
| | | | | 1.12 0.99 | M. No. 17 |
| | | | | | K. M. No. 2, 3, 8/2, 9/1, 9/2, 11, 12/1, 12/2, 19/2, 20, 21/1, 21/2 |
| | | | | | M. No. 20 |
| | | | | | Km. No. 1/1, 1/2, 1/3, 1/4, 1/5, 1/6, 1/7, 9/2, 12/1, 22/1 |
| | | Total | | 6.49 | No. of Khasra :—47, 84, 70, 193, 196, 142 |
| | | | C.P. | Net., | |
| | | | 2.71 | 3.78 | |

(Sd). . . . ,
Superintending Engineer,
P.W.D., B. & R. Branch, Circle Bhiwani.

Circle Ambala

The 30th July, 1979

No. S.E./P.W.D./B&R/Ambala/1135.—Whereas it appears to the Governor of Haryana that land is likely to be needed by the Government, at public expenses, for a public purpose, construction of Gopal Mochan-Dhanaura road to Roulhaheri in Ambala District, it is hereby notified that the land described in the specification below is required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers, for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested in the above land, who has any objection to the acquisition thereof, may within thirty days after the date on which public notice of the substance of this notification is given in the locality, file an objection in writing before the Land Acquisition Collector, Public Works Department, Buildings and Roads Branch, Ambala Cantt.

SPECIFICATION

| District | Tehsil | Locality/ Village | Habbast No. | Area in acres | Rectangle/Killa No. |
|----------|----------|----------------------|----------------|---------------------|--|
| Ambala | Jagadhri | Rulaheri | 257 | 5.60 | 26 1, 2, 8, 9, 10, 13, 14, 15, 17 27 11, 12, 13, 16, $\frac{1}{2}$, 18, 25 |
| | | | | | |

| District | Tehsil | Locality/ village | Habbast No. | Area in acres | Rectangle/Killa No. |
|----------|----------|---------------------------|----------------------|-----------------------|--|
| Ambala | Jagadhri | Rulaheri— <i>concl</i> | 257— <i>concl</i> | 5.60— <i>concl</i> | 28 23 20, 21, 22, —, 26 2 |
| | | | | | 32 19, 20, 21, 22, 23 |
| | | | | | 33 9, 10, $\frac{11}{4}$, $\frac{11}{5}$, $\frac{12}{1}$, $\frac{12}{2}$, $\frac{13}{1}$, $\frac{13}{2}$, 14, |
| | | | | | 33 $\frac{16}{1}$, $\frac{16}{2}$, 17, 18 2, 3, 4, 5, 6, 7 |
| | | | | | 42 3, 4, 5, 6, 52, 53, 55, 57, 58, 59, |
| | | | | | 62, 64, 72, $\frac{71}{4}$, 73, 97, 98 |
| Ambala | Jagadhri | Milkhara | 258 | 0.57 | 3 25 11, 18, 19, 20, 24, $\frac{25}{1}$, $\frac{25}{2}$, 4 16 |
| | | | | | Total : 6.17 Acres |

The 10th August, 1979

No. SE/P.W.D./B. and R./Ambala/592.—Whereas the Governor of Haryana is pleased that land specified below is needed by the Government, at public expense, for a public purpose, namely, for constructing a link road from Ambala-Hissar road to Kangwal via Roshanpura in Ambala District, it is hereby declared that the land described in the specification below is required for the aforesaid purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said act, the Land Acquisition Collector, P.W.D., B. & R. Branch, Ambala Cantt. is hereby directed to take orders for the acquisition of the said land.

Plans of the land may be inspected in the offices of the Land Acquisition Collector, Haryana, P.W.D., B. & R. Branch, Ambala Cantt. and the Executive Engineer, Ambala Cantt.

SPECIFICATIONS

| District | Tehsil | Locality/ Village | Hadbast No. | Area in Acres | Khasra No. |
|----------|--------|----------------------|----------------|---------------------|--|
| Ambala | Ambala | Roshanpura | | 2.25 | 13 1, 2, 9, 10, 11, 12, 19, 20, 21, 22, 23 |
| | | | | | 12 |
| | | | | | 47, _____, 5/4, 5/3, 5/5, 6, 15, 16, 25, 5/1, 5/2, |
| | | | | | 5 52, _____, 1, 2, 9, 10, 11, 12, 19, 20, 21, 22 |
| | | | | | 6 |
| | | | | | 5/2, 6/1, 6, 15/1, 15/2, 16/1, 16/2, 16/3, |
| | | | | | 6 |
| | | | | | 25/1, 25/2, 25/3, 25/4, 3, 7, 4/1, 4/2 |
| | | | | | 40, 46, 13, 14 |
| | | | | | 2 |
| | | | | | 9, 10, 11/1, 12, 18, 19, 23, 24 |
| Ambala | Ambala | Kangwal | | 3.17 | 41 10, 11/1, 11/2, 12, 19, 20, 21, 22, 18, |
| | | | | | 41 23, 103, 42 26, 102, 21, 20, 11 |
| | | | | | 27 25, 16, 15, 14, 6, 7, 5, 4 |
| | | | | | 24 |
| | | | | | 24, 17/2, 17/1, 14, 13/1, 13/2, 8, 9/1, 9/2, |
| | | | | | 24 12, 2, 1/1, 1/2, 10, 11, 27, 79, 97 |
| | | | | | 14 21, 20, 11 |
| | | | | | 15 17/2, 17/1, 16, 24, 25/1, 25/2 |
| | | | | | 23 92, 5/1, 5/2, 6/1, 6/2 |

| District | Tehsil | Locality/ Village | Hadbast No. | Area in Acres | Khasra No. |
|----------|--------|-----------------------|----------------|---------------------|------------------------|
| Ambala | Ambala | Thanesar Asmailpur | | 0.60 | 11 |
| | | | | | , 1, 2, 3, 10, 9, 8 |
| | | | | | 12 |
| | | | | | 21, 22 |
| | | Total .. | | 6.02 | |

(Sd.) . . . ,

Superintending Engineer,
Ambala Circle, P.W.D., B. & R. Branch,
Ambala Cantt.

GURGAON CIRCLE

The 10th August, 1979

No. 28-GA-87-D/1396.—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by Government at public expenses, for a public purpose, namely, constructing a road from Bhondsi to Behlpa via Shahzawas in Gurgaon District, it is hereby notified that the land described in the specification below is required for above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workman to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within thirty days after the date on which public notice of the substance of this notification is given in the locality, file an objection in writing before the Land Acquisition Collector, Public Works Department, Buildings and Roads Branch, Ambala Cantt.

SPECIFICATION

| District | Tehsil | Locality/ Village | Hadbast No. | Area in acres | Khasra No. |
|----------|---------|----------------------|----------------|---------------------|--|
| Gurgaon | Gurgaon | Rithoj | 1220×9.15 | 2.75 | 55 |
| | | | | | , 3/1, 3/2, 3/3, 6, 7, 8/1, 8/2, 9/1, 9/2, 12/1, 12/2, 14/1, 14/2, 15/1, 15/2 |
| | | | | | 56 |
| | | | | | , 11/1, 11/2, 12/1, 11/2, 16/1, 16/2, 16/3, 17/1, 17/2, 17/3, 18/1, 18/2, 18/3, 19 |
| | | | | | 57 |
| | | | | | , 16/1, 16/2, 17, 18/2, 19, 20/1, 20/2, 21, 22/1, 22/2, 23/1, 23/2, 24/1, 24/2 |
| | | | | | 58 |
| | | | | | , 16, 17, 18/1, 18/2, 19/1, 19/2, 20/1, 20/2 |
| | | | | | 59 |
| | | | | | , 19, 20 |
| | | | | | , 63, 64, 102, 103, with the area of path. |

| District | Tehsil | Locality Village | Hadbast No. | Area in acres | Khasra No. | | | | | | |
|-----------------|---------|---------------------|------------------------|---------------------|--|----|--------|-----------|------|--|-------|
| Gurgaon | Gurgaon | Bhondsi | 60×18.29 | 0.27 | 211 22 | | | | | | |
| Do 1280 to 2080 | Do | Shahjawas | 1220×9.15 800×18.29 | 2.75 3.60 | 20 18, 19, 20, 21, 22, 23/1, 23/2, 24 21 16, 21/1, 21/2, 22/1, 22/2, 23/1, 23/2 24/1, 24/2, 25/1, 25/2 22 21/1, 21/2, 21/3, 22/1, 22/2, 23/1, 23/2, 24/1, 24/2, 25/1, 25/2 23 11/1, 11/2, 17/1, 17/2, 18/1, 18/2, 19/1/1, 19/1/2, 19/2, 20/1, 20/2, 23, 24/1, 24/2, 25/1, 25/2, 21, 22/1/1, 22/1/2, 22/2 24 11, 12/1/1, 12/1/2, 12/2, 13/1, 13/2, 14/1, 14/2, 15/1, 15/2 30 1, 2, 3/1, 3/2, 4/1, 4/2, 5 31 1/1, 1/2, 2, 3, 4/1, 4/2, 7, 8, 9, 12, 13/1, 13/2, 14, 17, 18, 19, 22/1, 22/2, 23/1, 23/2, 24/1, 24/2, 24/3, 26, 27 41 2/1, 2/2, 3, 4/1, 7/2, 8, 9/1, 9/2, 12, 13/1, 13/2, 14/1, 17/1, 17/2, 17/3, 18/1, 18/2, 19, 26, (91, 92, 93, 94, 95, 96/2, 97, 103, 104, 105, 106) with area of path. Do 2080 to 2450 | Do | Behlpa | 370×18.29 | 1.65 | 7 17, 18, 22, 23, 24 15 2, 3, 4, 6, 7/1, 7/2, 8, 9, 12, 13, 14/1, 14/2, 15, 16, 17, 18, 19, 23, 24, 15/25 (29.65) with area of path. Total | 11.02 |

No. 28-GA-87-D/1397.—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by Government, at public expenses, for a public purposes, namely, constructing a road from Nanukalan to Daultabad, in Gurgaon District, it is hereby notified that the land described in the specification below is required for above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers, for the time being engaged in the undertaking with their servants, and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by the section.

Any person interested who has any objection to the acquisition of any land in the locality may within thirty days after the date on which public notice of the substance of this notification is given in the locality, file an objection in writing before the Land Acquisition Collector, Public Works Department, Buildings Roads and Branch, Ambala Cantt.

SPECIFICATION

| District | Tehsil | Locality/ Village | Hadbast No. | Area in Acres | Khasra No. |
|----------|------------------------------------|----------------------|----------------|---------------------|---|
| Gurgaon | Gurgaon (Sub Tehsil Pataudi) | Nanu Kalan | 27 | 4.44 | 26 21/1, 21/2, 21/3, 21/4, 22/1, 22/2, 23 |
| | | | | 27 | 16, 25/1, 25/2 |
| | | | | 37 | 2/1, 2/2, 3/1, 3/2, 4/1, 4/2, 5, 6/1, 6/2, 27 |
| | | | | 38 | 1, 7, 8/1, 8/2, 9, 10/1, 10/2, 12/1, 12/2, 13 |
| | | | | 23 | 13, 19 |
| | | | | 24 | 16, 17, 18/1, 18/2, 19, 20/1, 20/2 (149, 150, 151 to 174, 400 to 452, 374 to 380) |
| Gurgaon | Gurgaon (Sub Tehsil Pataudi) | Daultabad | 28 | 2.30 | 21 11/1, 11/2, 11/3, 12, 13, 17, 18/1, 18/2, 18/3, 19/1, 19/2, 27 |
| | | | | 22 | 1/1, 1/2, 2/1, 2/2, 3/2, 6/2, 7/1, 7/2, 8/1, 8/2, 9, 10, 14, 15, 26, (142, 143, 144, 48) |
| | | Total | : | 6.74 | |

17th August, 1979

No. 28-GA-87-D/1398—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by Government at public expenses for a public purpose, Namely, constructing Haily Mandi Farrukh Nagar road to Link road Duman to Akubpur in Gurgaon District it is hereby notified that the land described in the specification below is required for above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers, for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within thirty days after the date on which public notice of the substance of this notification is given in the locality, file an objection in writing before the Land Acquisition Collector, Public Works Department, Buildings & Roads Branch, Ambala Cantt.

SPECIFICATION

| District | Tehsil | Locality/ village | Habdast No. | Area in Acres | Khasra No. |
|----------|---------|----------------------|----------------|------------------|--|
| Gurgaon | Gurgaon | Duman | 7 | 6.84 | 4 |
| | | | | | 18, 19, 20, 21, 22, 23, 24 |
| | | | | | 5 |
| | | | | | 1/2/1, 2/2, 3, 4, 5, 6/1, 6/2, 7/1, 7/2, 8/1, 8/2, 10, 11, 12/1, 12/2, 9, 13, 14, 15, 16, 17/1, 17/2, 18, 19/1, 19/2, 20, 21, 22, 23, 24/1, 24/2, 25. |
| | | | | | 8 |
| | | | | | 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 17/1, 17/2, 18, 19/1, 19/2 to 20/5, 21/1 to 21/3, 22, 23, 24. |
| | | | | | 9 |
| | | | | | 25 |
| | | | | | 50 |
| | | | | | 5/1, 5/2, 6, 15/1, 15/2, 16/1, 16/2, 16/3, 17/1, 24, 25 |
| | | | | | 51 |
| | | | | | 4, 5, 6, 7, 11/1, 11/2, 12/1, 12/2, 13, 14, 15, 16, 17, 18/1, 18/2 |
| | | | | | 58 |
| | | | | | 1/1, 1/2, 2, 9, 10, 11/1, 11/2. |
| | | | | | 59 |
| | | | | | 1, 2/1, 2/2, 9, 10/1, 10/2, 10/3, 11/1, 11/2, 12, 19, 20, 21/1, 21/2, 22. |
| | | | | | 48 |
| | | | | | 12/1, 12/2, 13, 14/1, 14/2, 15/1, 15/2, 16/1 to 16/3, 17/1 to 17/3, 18/1 to 18/3, 19/1 to 19/3, 22/1, 22/2, 22/3. |
| | | | | | 47 |
| | | | | | 2/1 to 2/4, 9/1 to 9/4, 12/1 to 12/3, 19/1 to 19/6, 22/1 to 22/4. |
| | | | | | 46 |
| | | | | | 2/1; 2/2, 2/3, 2/4, 9/1, 9/2. |
| | | Total | | 6.14 | |